

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

Sherrod, Teed, Vanderhagen and Case No. 5:17-cv-10164-JEL-KGA
Ware,

Hon. Judith E. Levy

Plaintiffs,
v.

Flint Water Cases Bellwether I

VNA and LAN,

Defendants.

/

**ORDER REGARDING MOTION TO COMPEL SERVICE AND
COMPLIANCE WITH LOCAL RULES**

On May 18, 2022, Co-Liaison Counsel for individual Plaintiffs filed a motion for an emergency order compelling the production of documents from Defendant Veolia Water North America Operating Services, LLC, Non-Parties Veolia Water contract Services, Veolia Water Logistics, LLC, Veolia Water Municipal Services North American, and Veolia Environmental Services. (ECF No. 827.) On May 5, 2022, Plaintiffs served these entities with trial subpoenas, all of which are attached as exhibits to Plaintiffs' motion. (ECF Nos. 827-2–827-6.) The law firm Todd

& Weld LLP responded with objections to the subpoenas on behalf of all entities. (ECF Nos. 827-7– 827-10.)

Four of the subpoenaed Veolia entities are not parties to the Flint Water litigation or the Bellwether I trial. Accordingly, Plaintiffs' certificate of service, which states only that it was filed electronically using the CM/ECF system, does not effectuate service on the four non-party Veolia entities. (*See* ECF No. 827, PageID.51563.) This does show that service was made on Defendant Veolia Water North America Operating Services, LLC, however. Plaintiffs must properly serve their motion to compel on the non-party Veolia entities before the Court can consider or rule on the motion.

Further, Eastern District of Michigan Local Rule 7.1(a) requires that a movant “must ascertain whether the contemplated motion . . . will be opposed.” E.D. Mich. LR 7.1(a). Rule 7.1 is written broadly and applies to motions against both parties and non-parties. *Id.* (“If the movant obtains concurrence, the parties *or other persons involved* may make the subject matter of the contemplated motion or request a matter of record by stipulated order.” (emphasis added)). Plaintiffs’ motion does not

contain an indication that concurrence was sought from any of the subpoenaed entities.

If Plaintiffs wish to have the Court consider their motion, they must correct these deficiencies no later than Monday, May 23, 2022. Otherwise, the motion will be stricken for non-compliance with the local rules.

IT IS SO ORDERED.

Dated: May 19, 2022
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or first-class U.S. mail addresses disclosed on the Notice of Electronic Filing on May 19, 2022.

s/William Barkholz
WILLIAM BARKHOLZ
Case Manager